

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF NEW JERSEY

JESSICA COPPERTINO, )  
Plaintiff )  
v. )  
MERCHANTS' CREDIT GUIDE, CO., )  
Defendant )  
Case No.: )  
COMPLAINT AND DEMAND FOR )  
JURY TRIAL )  
(Unlawful Debt Collection Practices)

## **COMPLAINT**

JESSICA COPPERTINO (“Plaintiff”), by her attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against MERCHANTS’ CREDIT GUIDE, CO. (“Defendant”):

## INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

## JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and 28 U.S.C. § 1331 grants this court original jurisdiction of all civil actions arising under the laws of the United States.

3. Defendant conducts business in the State of New Jersey and therefore, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. §1391(b)(2)

## PARTIES

5. Plaintiff is a natural person residing in Sicklerville, New Jersey.

6. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

7. Defendant is a national debt collection company with corporate headquarters located at 223 West Jackson Blvd, Suite 700, Chicago IL 60606.

8. Defendant is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6), and repeatedly contacted Plaintiff in an attempt to collect a debt.

9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

## FACTUAL ALLEGATIONS

10. At all relevant times, Defendant was attempting to collect an alleged consumer debt from Plaintiff.

11. The debt at issue arose out of transactions, which were primarily for personal, family, or household purposes.

12. Beginning in or around January 2017, and continuing through February 2017, Defendant's collectors placed repeated harassing telephone calls to Plaintiff's cellular telephone seeking to collect the alleged debt.

13. Defendant's harassing debt collection calls derived from numbers including, but not limited to (888) 249-3812. The undersigned has confirmed that this number belongs to the Defendant.

14. At the time she was receiving the calls, Plaintiff was ill and receiving disability.

15. As such, Plaintiff found these calls particularly annoying, and told Defendant that its calls were harassing and to stop calling soon after the calls began.

16. Once Defendant knew its calls were harassing and unwanted, any further calls could only have been placed for the purpose of harassing Plaintiff.

17. However, Defendant continued to call Plaintiff.

18. Defendant's actions as described herein were made with the intent to harass, upset and coerce payment from Plaintiff.

**COUNT I**

**DEFENDANT VIOLATED §§ 1692d and 1692d(5) OF THE FDCPA**

19. A debt collector violates § 1692d by engaging in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.

20. A debt collector violates § 1692d(5) by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.

21. Defendant violated §§ 1692d and 1692d(5) when it placed repeated and continuous harassing telephone calls to Plaintiff and when it continued calling Plaintiff's cellular telephone knowing that its calls were unwanted and that Plaintiff found the calls harassing.

WHEREFORE, Plaintiff, Jessica Coppertino, respectfully pray for a judgment as follows:

- a. All actual compensatory damages suffered pursuant to 15 U.S.C. §1692k(a)(1);
  - b. Statutory damages of \$1,000.00 for the violation of the FDCPA pursuant to 15 U.S.C. § 1692k(a)(2)(A);

- c. All reasonable attorneys' fees, witness fees, court costs and other litigation costs incurred by Plaintiff pursuant to 15 U.S.C. § 1693k(a)(3); and
- d. Any other relief deemed appropriate by this Honorable Court.

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, JESSICA COPPERTINO, demands a jury trial in this case.

**CERTIFICATION PURSUANT TO L.CIV.R.11.2**

I hereby certify pursuant to Local Civil Rule 11.2 that this matter in controversy is not subject to any other action pending in any court, arbitration or administrative proceeding.

RESPECTFULLY SUBMITTED,

DATED: January 22, 2018

## KIMMEL & SILVERMAN, P.C.

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